

REMARKS

In view of the following discussion, none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Claims 1, 18, 21, 24 and 27 were amended to include the limitations of claim 4. Support for the additional amendments may be found in the Specification on at least page 4, 4th paragraph. In addition, various claims were amended to address various informalities. No new matter was added. Thus, all of the claims are now in condition for allowance.

The Assignee's representative attempted to contact the Examiner multiple times to schedule an Examiner interview, but did not receive a response. The Examiner is encouraged to contact the Assignee's representative upon receiving this response if a discussion would be helpful in clarifying any outstanding issues.

I. REJECTION OF CLAIMS 1-13, 15-22 AND 24-27 UNDER 35 U.S.C. §103

A. Claims 1-3, 7, 12, 13, 15, 18, 21 and 24

The Examiner rejected claims 1-3, 7, 12, 13, 15, 18, 21 and 24 as being unpatentable under 35 U.S.C. § 103 over Freeburg (U.S. Patent No. 4,850,032, issued July 18, 1989, hereinafter referred to as "Freeburg") in view of Bi, et al. (U.S. Patent No. 5,970,414, issued on October 19, 1999, hereinafter referred to as "Bi"). The rejection is respectfully traversed.

Freeburg discloses a data communication system that communicates messages by way of a radio frequency channel between a network control processor (NCP 102) and subscriber radios (190). (See Freeburg, Abstract).

Bi disclose a method for estimating a mobile telephone's location. The method uses forward link power control. (See Bi, Abstract). The base station calculates the mobile telephone's location. (See Bi, FIG. 5A, col. 6, l. 56 – col. 7, l. 6).

The Examiner's attention is directed to the fact that Freeburg and Bi, alone or in any permissible combination, fail to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Specifically, independent claims 1, 18, 21 and 24 respectively recite:

1. A method for determining a location of a mobile station, comprising:
 - receiving at said mobile station a plurality of simulcast signals having substantially identical information from a plurality of base stations;
 - determining relative time of arrival information for the received plurality of simulcast signals;
 - determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response; and
 - transmitting the mobile station position from the mobile station to one or more of the plurality of base stations. (Emphasis added).
18. A method for receiving location information for a mobile station at a base station, comprising:
 - transmitting simulcast signals having substantially identical information to the mobile station; and
 - receiving, at said base station, mobile station location information from the mobile station determined from relative time of arrival information for the simulcast signals, wherein the mobile station location information is determined by the mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. (Emphasis added).
21. A mobile station, comprising:
 - a receiver for receiving simulcast signals having substantially identical information from a plurality of base stations;
 - a processor for determining time of arrival information for the received simulcast signals and identifying a location of the mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response; and
 - a transmitter for transmitting the mobile station location to one or more of the plurality of base stations. (Emphasis added).
24. A wireless network for providing location specific information to a mobile station, comprising:
 - a mobile station for receiving the simulcast signals and determining a location of the mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response; and
 - a plurality of base stations for transmitting the simulcast signals having substantially identical information and receiving said location of the mobile station transmitted from the mobile station. (Emphasis added).

In one embodiment of the present disclosure, a method is provided for determining the location of a mobile station utilizing simulcasted signals that are transmitted from a plurality of base stations. Simulcasting is the transmission of a particular signal from a plurality of base stations at the same moment in time. Specifically, simulcasting is described as the "simultaneous transmission of substantially the same information content from multiple base stations" (See e.g., Specification, page 5, paragraph 3). Namely, simulcasting creates an artificial multipath environment that is used by the system of the present disclosure to create diversity. A system is described that can simulcast simultaneous transmission of substantially identical information from a plurality of basestations BS1-N. With this arrangement, the link performance is improved by simulating multipath. Since the same signal from multiple base stations is received by a mobile station, the difference in path delay results in frequency selective fading with narrow spacing between multipath nulls interacting with the inherent frequency diversity of the OFDM system. (See e.g., Specification, page 6, paragraph 5).

Furthermore, the mobile station is able to determine its location or position from the received simulcasted signals. Namely, the mobile station's location or position is determined or derived by the mobile station itself by using the received simulcasted signals. (See e.g., Assignee's specification, page 5, paragraphs 2 and 4; page 6, paragraph 2). This information may be subsequently transmitted from the mobile stations to the base stations and utilized for location specific advertising or multi-casting location specific information. (See *Id.* at p. 11, ll. 1-16).

The alleged combination (as taught by Freeburg) fails to render obvious the independent claims because the alleged combination fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. The Examiner concedes this in the Office Action. (See Office Action, p. 4, ll. 1-3). However, the Examiner asserts that Bi bridges the substantial gap left by Freeburg.

Bi fails to bridge the substantial gap left by Freeburg because Bi also fails to describe or suggest determining a position of the mobile station by said mobile station

using an average of a channel impulse response obtained from an estimate of a channel frequency response. Bi uses a different method of using forward link power control that uses time-of-arrival information. Notably, Bi does not describe or suggest that a mobile station uses an average of a channel impulse response to determine its location. Therefore, independent claims 1, 18, 21 and 24 are not rendered obvious by Freeburg and Bi.

Dependent claims 2-3, 7, 12, 13 and 15 depend, either directly or indirectly, from claim 1 and recite additional features thereof. As such and for the exact same reasons set forth above, claims 2-3, 7, 12, 13 and 15 are also not rendered obvious by the teachings of Freeburg and Bi. Therefore, claims 2-3, 7, 12, 13 and 15 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. As such, the rejection should be withdrawn.

B. Claims 4, 19, 22, and 25

The Examiner rejected claims 4, 19, 22 and 25 as being unpatentable under 35 U.S.C. § 103 over Freeburg and Bi and in further view of Siwiak (U.S. Patent No. 5,537,398, issued on July 16, 1996, hereinafter referred to as "Siwiak"). It should be noted that claim 4 is canceled without prejudice. The remaining rejection is respectfully traversed.

The disclosures of Freeburg and Bi are discussed above. Siwiak discloses an apparatus for multi-rate simulcast communications. (See Siwiak, Abstract).

The Examiner's attention is directed to the fact that Freeburg, Bi and Siwiak, alone or in any permissible combination, fail to disclose determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg and Bi simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Siwiak does not bridge the substantial gap left by Freeburg and Bi

because Siwiak also fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the combination of Freeburg, Bi and Siwiak fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claims 19, 22 and 25 depend from independent claims 18, 21 and 24, respectively and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claims being patentable over Freeburg, Bi and Siwiak, claims 19, 22 and 25 are also patentable over Freeburg, Bi and Siwiak and the rejection should be withdrawn.

C. Claims 5 and 6

The Examiner rejected claims 5 and 6 as being unpatentable under 35 U.S.C. § 103 over Freeburg, Bi and Siwiak and further in view of the Stilp et al. (U.S. Patent Publication No. 2005/0206566, published on September 22, 2005, hereinafter referred to as "Stilp"). The rejection is respectfully traversed.

The disclosures of Freeburg, Bi and Siwiak are discussed above. Stilp discloses a multiple pass location processor. (See Stilp, Abstract).

The Examiner's attention is directed to the fact that Freeburg, Bi, Siwiak and Stilp, alone or in any permissible combination, fail to disclose determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg, Bi and Siwiak simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Stilp does not bridge the substantial gap left by Freeburg, Bi and Siwiak because Stilp also fails to describe or determine a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the

combination of Freeburg, Bi, Siwiak and Stilp fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claims 5 and 6 depend from independent claim 1, respectively and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claims being patentable over Freeburg, Bi, Siwiak and Stilp, claims 5 and 6 are also patentable over Freeburg, Bi, Siwiak and Stilp and the rejection should be withdrawn.

D. Claims 8, 10 and 11

The Examiner rejected claims 8, 10 and 11 as being unpatentable under 35 U.S.C. § 103 over Freeburg and Bi in view of Watters, et al. (U.S. Patent No. 5,982,324, issued November 9, 1999, hereinafter referred to as "Watters"). The rejection is respectfully traversed.

The disclosures of Freeburg and Bi are discussed above. Watters discloses the combination of GPS with TOA/TDOA of cellular signals to locate a terminal. (See Watters, Abstract)

The Examiner's attention is directed to the fact that Freeburg, Bi and Watters, alone or in any permissible combination, fail to disclose determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg and Bi simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Watters does not bridge the substantial gap left by Freeburg and Bi because Watters also fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the combination of Freeburg, Bi and Watters fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claims 8, 10 and 11 depend from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claims being patentable over Freeburg, Bi and Watters, claims 8, 10 and 11 are also patentable over Freeburg, Bi and Watters and the rejection should be withdrawn.

E. Claim 9

The Examiner rejected claim 9 as being unpatentable under 35 U.S.C. § 103 over Freeburg and Bi in view of Baum, et al. (U.S. Patent No. 5,867,478, issued February 2, 1999, hereinafter referred to as "Baum"). The rejection is respectfully traversed.

The disclosures of Freeburg and Bi are discussed above. Baum discloses a synchronous coherent orthogonal frequency division multiplexing system. (See Baum, Abstract)

The Examiner's attention is directed to the fact that Freeburg, Bi and Baum, alone or in any permissible combination, fail to determine a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg and Bi simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Baum does not bridge the substantial gap left by Freeburg and Bi because Baum also fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the combination of Freeburg, Bi and Baum fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claim 9 depends from independent claim 1 and recites additional limitations. As such, and for the exact same reason set forth above with

regard to the independent claims being patentable over Freeburg, Bi and Baum, claim 9 is also patentable over Freeburg, Bi and Baum and the rejection should be withdrawn.

F. Claims 16 and 17

The Examiner rejected claims 16 and 17 as being unpatentable under 35 U.S.C. § 103 over Freeburg and Bi and in further view of Oren (U.S. Patent No. 6,725,045, issued on April 20, 2004, hereinafter referred to as "Oren"). The rejection is respectfully traversed.

The disclosures of Freeburg and Bi are discussed above. Oren discloses a method and system for locating people and routing telephone calls to telephone stations selected by the called party. According to some embodiments of the present invention, the system may include wireless personal units and a location and routing unit adapted to locate the personal units and to route an incoming call intended for a telephone user associated with a particular personal unit to any one of the telephone stations selected by the telephone user (See Oren, Abstract).

The Examiner's attention is directed to the fact that Freeburg, Bi and Oren, alone or in any permissible combination, fail to disclose determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg and Bi simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Oren does not bridge the substantial gap left by Freeburg and Bi because Oren also fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the combination of Freeburg, Bi and Oren fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claims 16 and 17 depend from independent claim 1 and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claims being patentable over Freeburg, Bi and Oren, claims 16 and 17 are also patentable over Freeburg, Bi and Oren. As such, the rejection should be withdrawn.

G. Claims 20 and 26

The Examiner rejected claims 20 and 26 as being unpatentable over Freeburg, Bi and Siwiak and further in view of the Oren under 35 U.S.C. § 103. The rejection is respectfully traversed.

The disclosures of Freeburg, Bi, Siwiak and Oren are discussed above.

The Examiner's attention is directed to the fact that Freeburg, Bi, Siwiak and Oren, alone or in any permissible combination, fail to disclose determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response, as positively claimed by independent claims 1, 18, 21, and 24. (See *supra*). As discussed above, Freeburg, Bi and Siwiak simply do not describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response.

Moreover, Oren does not bridge the substantial gap left by Freeburg, Siwiak and Bi because Oren also fails to describe or suggest determining a position of the mobile station by said mobile station using an average of a channel impulse response obtained from an estimate of a channel frequency response. Thus, for all of the above reasons, the combination of Freeburg, Bi, Siwiak and Oren fails to render obvious independent claims 1, 18, 21, and 24.

Moreover, dependent claims 20 and 26 depend from independent claims 18 and 24, respectively and recite additional limitations. As such, and for the exact same reason set forth above with regard to the independent claims being patentable over Freeburg, Bi, Siwiak and Oren, claims 20 and 26 are also patentable over Freeburg, Bi, Siwiak and Oren and the rejection should be withdrawn.

H. Claim 27

The Examiner rejected claim 27 as being unpatentable under 35 U.S.C. § 103 over Freeburg and Bi in view of Oren. The rejection is respectfully traversed.

The disclosures of Freeburg, Bi and Oren are discussed above.

The Examiner's attention is directed to the fact that Freeburg, Bi and Oren, alone or in any permissible combination, fails to describe or suggest a wireless network comprising a plurality of base stations for transmitting simulcast signals having substantially identical information to mobile stations and receiving mobile station location information derived by the mobile stations using an average of a channel impulse response obtained from an estimate of a channel frequency response from at least one of the mobile stations to broadcast location specific information to the mobile stations. Specifically, independent claim 27 respectively recites:

27. A wireless network, comprising:

a plurality of base stations for transmitting simulcast signals having substantially identical information to mobile stations and receiving mobile station location information derived by the mobile stations using an average of a channel impulse response obtained from an estimate of a channel frequency response from at least one of the mobile stations to broadcast location specific information to the mobile stations. (Emphasis added).

In one embodiment of the disclosure, a method is provided for determining the location of a mobile station utilizing simulcasted signals that are transmitted from a plurality of base stations. Simulcasting is the transmission of a particular signal from a plurality of base stations at the same moment in time. Specifically, simulcasting is described as the "simultaneous transmission of substantially the same information content from multiple base stations" (See e.g., Specification, page 5, paragraph 3). Namely, simulcasting creates an artificial multipath environment that is used by the system of the present disclosure to create diversity. A system is described that can simulcast simultaneous transmission of substantially identical information from a plurality of basestations BS1-N. With this arrangement, the link performance is

improved by simulating multipath. Since the same signal from multiple base stations is received by a mobile station, the difference in path delay results in frequency selective fading with narrow spacing between multipath nulls interacting with the inherent frequency diversity of the OFDM system. (See e.g., Specification, page 6, paragraph 5).

Furthermore, the mobile station is able to determine its location or position from the received simulcasted signals. Namely, the mobile station's location or position is determined or derived by the mobile station itself by using the received simulcasted signals. (See e.g., Assignee's specification, page 5, paragraphs 2 and 4; page 6, paragraph 2). This information may be subsequently transmitted from the mobile stations to the base stations and utilized for location specific advertising or multi-casting location specific information. (See *Id.* at p. 11, II. 1-16).

The alleged combination (as taught by Freeburg and Bi) fails to render obvious the independent claims because the alleged combination fails to describe or suggest a wireless network comprising a plurality of base stations for transmitting simulcast signals having substantially identical information to mobile stations and receiving mobile station location information derived by the mobile stations using an average of a channel impulse response obtained from an estimate of a channel frequency response from at least one of the mobile stations to broadcast location specific information to the mobile stations. As discussed above the combination of Freeburg and Bi fail to describe or suggest a wireless network comprising a plurality of base stations for transmitting simulcast signals having substantially identical information to mobile stations and receiving mobile station location information derived by the mobile stations using an average of a channel impulse response obtained from an estimate of a channel frequency response from at least one of the mobile stations to broadcast location specific information to the mobile stations. The Examiner conceded that Freeburg fails to describe or suggest that a mobile station position is determined by the mobile station. (See Office Action, p. 4, II. 1-3).

As noted above, Bi fails to bridge the substantial gap left by Freeburg because Bi discloses using a different method to determine a mobile station position. Specifically,

Bi uses a method of forward link power control that uses time-of-arrival information. (See Bi, Abstract).

Oren fails to bridge the substantial gap left by Freeburg and Bi because Oren also fails to describe or suggest a wireless network comprising a plurality of base stations for transmitting simulcast signals having substantially identical information to mobile stations and receiving mobile station location information derived by the mobile stations using an average of a channel impulse response obtained from an estimate of a channel frequency response from at least one of the mobile stations to broadcast location specific information to the mobile stations. Oren only discloses a method and system for locating people and routing telephone calls to telephone stations selected by the called party.

Therefore, independent claim 27 is not rendered obvious by Freeburg, Bi and Oren. As such, the rejection should be withdrawn.

CONCLUSION

Thus, all of the claims now fully satisfy the requirements of 35 U.S.C. § 103. Consequently, all the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 542-2280 x130 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,



September 8, 2010

Wall & Tong, LLP
25 James Way
Eatontown, NJ 07724

Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 542-2280 x130